



SELLER'S DISCLOSURE OF REAL PROPERTY CONDITION REPORT NEW CONSTRUCTION ONLY

State of Delaware

Approved by the Delaware Real Estate Commission (Effective 9/1/08)

Seller (s) Name: _____

Property Address: _____

When Was the Home Completed: _____ **Date Purchased:** _____

Chapter 25, Title 6 of the Delaware Code, requires a Seller of residential property to disclose in writing all material defects of the property that are known at the time the property is offered for sale or that are known prior to the time of final settlement. Residential property means any interest in a property or manufactured housing lot, improved by dwelling units for 1-4 families. The disclosure must be made on this Report, which has been approved by the Delaware Real Estate Commission, and shall be updated as necessary for any material changes occurring in the property before final settlement. This Report shall be given to all prospective Buyers prior to the time the Buyer makes an offer to purchase. This Report, signed by Buyer and Seller, shall become a part of the Agreement of Sale. This Report is a good faith effort by the Seller to make the disclosures required by Delaware law and is not a warranty of any kind by the Seller or any Agents or Sub-Agents representing Seller or Buyer in the transfer and is not a substitute for any inspections or warranties that the Seller or Buyer may wish to obtain. The Buyer has no cause of action against the Seller or Real Estate Agent for material defects in the property disclosed to the Buyer prior to the Buyer making an offer; material defects developed after the offer was made but disclosed in an update of this Report prior to settlement, provided Seller has complied with the Agreement of Sale; or material defects which occur after settlement. State websites containing helpful information include: Office of State Planning Coordination www.stateplanning.delaware.gov, Delaware Department of Natural Resources and Environmental Control www.dnrec.delaware.gov, Delaware Division of Public Health www.dhss.delaware.gov/dhss/dph, Delaware State Police Sex Offender Registry www.state.de.us/dsp and other agencies listed on www.delaware.gov.

| Yes | No | * | * Write in U if Unknown or NA if Not Applicable, otherwise mark either the Yes or No column. |
|-----|----|---|--|
| | | | <u>I. OCCUPANCY</u> |
| | | | 1. Has a certificate of occupancy been issued? If Yes, when _____. |
| | | | 2. Is the property encumbered by a lease, option to purchase, or first right of refusal? |
| | | | <u>II. DEED RESTRICTIONS, HOMEOWNERS ASSOCIATIONS/CONDOMINIUMS AND CO-OPS</u> |
| | | | 3. Is the property subject to any deed restrictions? |
| | | | 4. Is the property part of a condominium or other common ownership? |
| | | | 5. Is there a Homeowners Association, Condominium Association, Civic Association, or Maintenance Corporation? |
| | | | 6. If so, are there any dues or assessments involved? If Yes, how much? _____ |
| | | | 7. Is there any defect, damage, or problem with any common elements or common areas, which could affect their value or desirability? |
| | | | 8. Is there any condition or claim, which may result in an increase in assessments or fees? |
| | | | 9. Name of Association Representative: _____ Phone # _____ |
| | | | 10. Are you aware of any unusual bonds or assessments for improvements that apply to this property or the surrounding area? |

| Yes | No | * | * Write in <i>U</i> if Unknown or <i>NA</i> if Not Applicable, otherwise mark either the Yes or No column. |
|-----|----|---|---|
| | | | III. TITLE / ZONING INFORMATION |
| | | | 11. Are you aware of any right-of-ways, easements or similar matters that may affect the property? |
| | | | 12. Are you aware of any shared maintenance agreements affecting the property? |
| | | | 13. Are you aware of any zoning violations, non-conforming uses, or setback violations? |
| | | | 14. Are there any unpaid assessments? If Yes, indicate amount _____. |
| | | | 15. Do you have knowledge of any future assessments? |
| | | | IV. MISCELLANEOUS |
| | | | 16. Are you aware of any existing or threatened legal action affecting this property? |
| | | | 17. Do you know of any violations of local, state or federal laws or regulations relating to this property? |
| | | | 18. Are you aware of anything else you should disclose to a prospective Buyer because it may materially and adversely affect the value or desirability of the property? |
| | | | 19. What is the type of trash disposal? _____ Private _____ Municipal |
| | | | 20. The cost of repairing and paving the streets adjacent to the property is paid for by: |
| | | | _____ The property owner(s), estimated fees: \$ _____ |
| | | | _____ Delaware Department of Transportation or the State of Delaware |
| | | | _____ Unknown |
| | | | Note to Buyer: Repairing and repaving of the streets can be very costly. (6 Delaware Code§ 2578) |
| | | | 21. Is off street parking available for this property? If Yes, number of spaces available: _____ |
| | | | V. ENVIRONMENTAL HAZARDS |
| | | | 22. Are you aware of any present or previous underground storage tanks (UST) or toxic substances present on this property (structure or soil) such as PCB's, solvents, hydraulic fluid, petro chemicals, hazardous wastes, or others? If Yes, indicate locations: _____ |
| | | | VI. LAND (SOILS, DRAINAGE AND BOUNDARIES) |
| | | | 23. Is there any fill or expansive soil on the property? |
| | | | 24. Do you know of any sliding, settling, earth movement, upheaval or earth stability problems that have occurred on the property or in the immediate neighborhood? |
| | | | 25. Is the property located in a flood zone or wetlands area? |
| | | | 26. Do you know of any encroachments, boundary line disputes, or easements affecting the property? |
| | | | 27. Are there any tax ditches crossing or bordering the property? |
| | | | 28. Is any part of the property considered wetlands? |
| | | | VII. PLUMBING-RELATED ITEMS |
| | | | 29. What is the type of sewage system? _____ Public Sewer _____ Community Sewer _____ Septic Tank |
| | | | 30. If septic, type: _____ Gravity Fed _____ Capping Fill _____ LPP _____ Mound _____ Holding Tank |
| | | | _____ Other: _____ |
| | | | 31. What type of plumbing (copper, lead, cast iron, PVC, polybutylene, galvanized) is in the house? |
| | | | 1. Water supply _____ 2. Drainage _____ |
| | | | 32. Is there a wastewater spray irrigation system installed on or adjacent to the property? |
| | | | 33. What is the drinking water source? _____. |
| | | | 34. If drinking water supplied by utility, name of utility: _____. |

If you have indicated there is a problem with any of the items on pages 1 through 2, please provide a detailed explanation below or on additional sheet(s).

| Question Number | Additional Information |
|-----------------|------------------------|
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Are there additional problem description sheets attached? ___ No ___ Yes _____ Number of Sheets.

ACKNOWLEDGMENT OF SELLER

Seller has provided the information contained in this Report. This information is to the best of Seller's knowledge and belief, complete, true and accurate. Seller has no knowledge, information or other reason to believe that any defects or problems with the property have been disclosed to or discussed with any Real Estate Agent or Broker involved in the sale of this property other than those set forth in this Report. Seller does hereby indemnify and hold harmless any Real Estate Agents involved in the sale of this property from any liability incurred as a result of any third-party reliance on the disclosures contained herein. Seller's Broker and / or Cooperating Broker, if any, is / are hereby authorized to furnish this Report to any prospective Buyer. This is a legally binding document. If not understood, consult an Attorney.

SELLER _____ Date _____ SELLER _____ Date _____

Date the contents of this Report were last updated: _____

ACKNOWLEDGMENT OF BUYER

I understand there may be areas of the property of which Seller has no knowledge and this Report does not encompass those areas. I have read and received a signed copy of this Report. I understand that before signing an Agreement of Sale, I may review the applicable Master Plan or Comprehensive Land Use Plan for the County and / or appropriate City or Town Plans showing planned land uses, zoning, roads, highways, locations and nature of current or proposed parks and other public facilities. This is a legally binding document. If not understood, consult an Attorney.

BUYER _____ Date _____ BUYER _____ Date _____

DREC Approved 8/14/08

Page 3 Seller's Initials _____ Seller's Initials _____ Buyer's Initials _____ Buyer's Initials _____